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SUBJECT: JANABI PREDICTS IMMINENT PROGRESS ON SUNNI ARAB
INCLUSION IN CONSTITUTION PROCESS

Classified By: Classified by David M. Satterfield, Charge d'Affaires, f

or reasons 1.4. (b) and (d).

11. (C) Summary: Adnan Janabi, deputy chairman of the Constitution Committee and the leader of its effort to bring in Sunni Arabs, told Charge on June 6 that he expects to complete his assignment by the end of this week. He is expanding the group of Sunni participants and has requested that it present its candidates in time for a Committee session on June 9. Janabi said that the key sticking point is the number of Sunni Arabs to be added to the committee. The Kurds want to keep Sunni Arab representation below their own and some Sunni Arabs are pushing for as many as 40 percent of the body. Janabi said he is pushing for 15 additional members. He is looking for the USG to hang back so he can convince a suspicious Sunni Arab community that the constitution drafting process is going to be purely Iraqi. End summary.

12. (C) Deputy Constitution Committee Chairman Adnan Janabi briefed the Charge June 6 on the status of efforts to expand Sunni Arab representation in the drafting process. Charge expressed full USG support for his efforts to expand political participation in the process. He reviewed the following key areas:

-- AN EVOLVING SUNNI ARAB CONFERENCE: Janabi said that the Sunni Arab outreach meeting last June 2 successfully brought together some fifty leaders from all walks of the Sunni Arab community. The meeting effectively "re-established contact lines" with many disaffected Sunni Arabs, Janabi said. He is now working to expand attendance for the June 9 meeting by bringing in more representatives from civil society and professional syndicates, particularly the Iraqi Lawyers' Union, which is headed by a Sunni Arab from Mosul. Janabi said other Sunni Arab groups have also since asked to be included and he has agreed to add them all.

-- CHOOSING THE REPRESENTATIVES: Janabi said that Sunni Arabs from the conference he held would meet June 7 to come up with a list of at least half their candidates for positions on the constitution committee. Janabi said he is pressing his colleagues on the committee itself to accept any names that come forward. He said that some members have expressed reservations about allowing the appointment of "bloody Saddamist criminals." Janabi said he has argued that the only legitimate restriction that can be put on Sunni Arab participants is that they comply with the TAL criteria, which forbid any high-ranking Ba'athist or criminal from serving on the TNA.

-- STATUS OF THE ADDED MEMBERS: Janabi said he believes the TNA will agree to pass a special motion welcoming additional Sunni Arabs to drafting process as equal members. The motion will stop short of legally inducting them to the TNA, but it will give them the "cover of legitimacy" that some have requested, he said. More importantly, Janabi said, the committee will operate on the basis of consensus rather than majority rule.

-- NUMBER OF ADDED MEMBERS: Janabi said that he supports adding 15 Sunni Arabs to the committee, which would bring the total number of Sunni Arabs to 17. Janabi acknowledged that he is going to face obstacles from Sunni Arabs and Kurds in particular in pushing this number. Some Sunni Arabs are pushing for 42 percent membership in the committee, a percentage matching that of the Iraqis who did not participate in the January elections. Janabi said that some Sunni Arabs are using this specious methodology to calculate the number of Sunni Arabs in the country. They will need to be convinced to back down, he said. Kurds on the other hand will need to be convinced to raise the bar. They are apparently pushing for adding only 12 Sunni Arabs to the committee, he said. This would bring the total number of Sunni Arabs to 14, one less than the number of Kurdish representatives. Janabi said that this number had already leaked, and he would not defend it. Janabi said that he had met with President Talabani on June 6 and enlisted his support in convincing the Kurds to raise their threshold. In any event, he said, the number of additions is really irrelevant as long as the committee agrees to operate by consensus.

-- THE PROS AND CONS OF OUTSIDE SUPPORT: Janabi said that the

best help the USG can offer the constitution-drafting process is to remain distant enough from it that it is seen to be purely Iraqi. He also said he thought international financial and technical support to the drafters would be best offered via the United Nations.

-- COMMITTEE'S PUBLICITY PLAN: Janabi said the committee will aim to publicize its work through supplements in newspapers and televised debates. The effort will be to do such publicity in a way that it informs the public without dividing it, he said. "It will be on our terms," he said. "We don't want to split the society. It is very important that Iraqis see at as being inclusive and moving forward."

-- MEETING AUGUST 15 DEADLINES: Janabi confirmed that the Constitution Committee has already agreed on a set of core principles and will be ready to get down to drafting immediately upon resolution of the Sunni Arab inclusion issue. Janabi said he is confident that the committee can meet its August 15 deadline and predicted that contentious issues like Kirkuk will be kept out of the constitution process and pursued through the executive branch and the Article 58 committee.

-- OTHER THREATS TO SUNNI INCLUSION: Janabi used the occasion of the meeting to remind the Charge that Sunni Arab outreach is most threatened by a De-Ba'athification process that has been used to purge Sunnis rather than criminals from government jobs. He also warned that triumphalist rhetoric from Shia Islamist groups about their victory in the January elections only inspires fear in the hearts of Sunni Arab citizens.

13. (C) COMMENT: Charge plans to meet PUK leader and Deputy Constitution Committee Chairman Fu'ad Ma'asum to encourage him to be flexible on the number of Sunni Arabs allowed into the committee. We will sit down with the Shia leadership after Janabi convenes his June 9 meeting to review the results and press for progress. Janabi was optimistic, and he has grounds for hope after the strong turnout at his June 2 session, but he may be overly optimistic about the prospect for results on June 9. The Sunni Arabs were never able to come together on an accepted list of ministers for Jafari's government, so it is unlikely that they will achieve such harmony on their nominees for this committee. Furthermore, other Sunni contacts are already grumbling to us that Janabi is biased toward the National Dialogue Council at the expense of other important Sunni Arab voices. Harmony may be elusive, but Janabi is to our eyes making an honest effort to look beyond the constitution and use this process to make a major step forward on Sunni Arab inclusion in the entire political process. For the time being we are giving Janabi some political space, while continuing our engagement with ITG leaders and those of other political groupings to move the Sunni inclusion and constitution drafting process forward. END COMMENT.

14. (U) REO HILLA, REO BASRA, REO MOSUL, and REO KIRKUK, minimize considered.
Satterfield